

REMARKS/ARGUMENTS

Claims 1, 4, 6-9, 12, 13, 17-20, 22-27, and 42-45 are now pending in the present application, for a total of 22 claims, 3 of which are independent. Please note that the original claim set as filed had a total of 27 claims (3 independent) and the excess claims were paid for at the time of filing, therefore no excess claims fees are due now.

Changes in response to the present Office Action are described in remarks hereinbelow.

Conference Report

A teleconference was conducted on 02/05/2009 between SPE J. Allen Shriver II and Applicant's Agent of Record Stauffer. Supervising examiner agreed with applicant that the final rejection was improper in the 10/6/2009 office action. Therefore the final rejection was withdrawn, and the office action with non-final rejection was mailed on 3/10/2009. The present paper is responsive to said 3/10/2009 Office Action.

Amendments in General

Since the presently rejected or objected-to claims all depend from independent claim 1, Applicant has made several amendments to it that are intended to clarify the meaning of terms, elements, and directions. All such clarifications are supported in obvious ways by the description and drawings of the specification, and do not add any new elements to the claims. Applicant believes that the clarifying amendments address Examiner's objections in a way that makes clear features and aspects of the invention that distinguish it as novel and non-obvious versus the prior art. For example,

Claim Rejections – 35 USC 112

Claims 7 and 22 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, text copied from claim 6 has been inserted to provide the needed antecedent basis.

Regarding claim 22, applicant believes that the claim **does** specify which part of the shelf is to be softened, i.e., the "laterally rearward edge of the shelf" (line 3 of claim), thus making the

claim sufficiently definite. This is further evidenced by Examiner's 103 rejection of this claim citing prior art with a plastic shelf edge making it soft.

Claim Rejections - 35 USC 103

Claims 1, 4, 6, 8, 18, and 42-45 have been rejected under 35 USC 103(a) as being unpatentable over Published application 2003/0150892 to Hoe in view of US Patent 6,231,017 to Watkins.

The following amendments and discussion are mainly directed toward overcoming rejection of claim 1. Given its allowance then the remaining claims, being dependent claims, would also be allowable as further limitations. Discussion of dependent claims is thus held off for now.

Claim 1 has been amended by adding text from original claims 13, 15, and 42. These limitations point out the unique aspect of the present invention, that the bars are generally rectangular (includes square, and allows for rounded corners) and the end hooks have vertical lines of contact with the headrest posts - all so that the hook bar assembly will not rotate to tip over a horizontal shelf attached on top of it. Both Watkins and Hoe hang the weight below so tipping is not an issue. Watkins is square, but won't tip anyway because the ends are bolted onto the headrest post, not removably attached.

Some extra limiting terms are also added in order to clarify that that the shelf is on top

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Regarding claim 23, it is clear from the text of claims 1 and 23 that the claimed compressible **sleeve is removably hooked on the same headrest post as the end hook**, and is furthermore next to (above) the end hook on the vertical post (this is known because a headrest on a seat within a vehicle is above the seat and is supported by a relatively vertical headrest post). Quesada does not disclose or teach a compressible sleeve that removably hooks on the same post (rod, wire, whatever) as the end hook (e.g., 16 in Fig. 2) of the device, the sleeve being positioned next to the end hook on the post. Further clarification is amended into claim 23.

### ***Allowable Subject Matter***

Claim 7 has been amended to overcome the section 112, 2<sup>nd</sup> paragraph rejection as detailed hereinabove, therefore **Claim 7 becomes an allowed independent claim** according to

Examiner's statement.

**Applicant appreciates the allowance of claims 9, 12, and 13** and therefore has not amended them herein.

Since 7 and 9 are now independent, but are positioned between claim 1 and other claims that depend therefrom, Applicant suggests an examiner's amendment to reposition claims 7, 9, 12, and 13 at the end of the claims as they are finally listed.

The Examiner has stated that claims 17, 19-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant would like to wait for Examiner's decision on the allowability of currently amended independent claim 1 before rewriting the remaining objected-to claims (17, 19, and 20) to make them allowable.

#### ***Conclusion***

The undersigned Agent of Record has made a sincere effort to amend the claims of this application in response to the present Office Action so that they define novel structure which is non-obvious. Favorable re-examination and consideration are respectfully requested. If there are still some issues to be resolved, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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